

REMARKS

This paper is responsive to the Office Action dated March 30, 2005. Claims 1 - 64 are pending in this application. Claims 14, 15, 41, 63 and 64 have been withdrawn and are hereby canceled. Claims 1 - 13, 16 - 20, 23 - 40, 42 - 45 and 48 - 62 are rejected and claims 21, 22, 46 and 47 are objected to. Reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Applicant has amended claim 1, in which a material composing the second-conductivity-type cladding layer was limited to AlGaInP, and a material composing the cushion layer was limited to any one of AlGaAs, GaP, GaAsP and AlGaAsP. The light emitting device disclosed by Tanizawa has the second-conductivity-type cladding layer made of GaN, and the low-doped, p-type cladding layer indicated by reference numeral 9 is composed none of AlGaAs, GaP, GaAsP and AlGaAsP. Moreover, the low-doped, p-type cladding layer indicated by reference numeral 9 by Tanizawa is aimed at improving the electrostatic resistance, and is not intended for improving the device lifetime. Tanizawa neither described nor suggested possibilities of improvement in the device lifetime through interposition of the cushion layer composed of any one of AlGaAs, GaP, GaAsP and AlGaAsP in the

AlGaInP light emitting device.

Claim 16 was combined with Claim 21. We believe amended claim 16 should be granted a patent because Claim 21 has already been judged as allowable. Claim 16 was combined also with Claim 22 to give new Claim 65. We also believe new Claim 65 should be granted a patent because Claim 22 has already been judged as allowable.

As for Claims 6 and 28, the examiner understood the phosphorus-blocking layer as "phosphorus-containing current blocking layer", which is a true misunderstanding. The phosphorus-blocking layer is provided in order to block diffusion of phosphorus component out from the phosphorus-containing semiconductor layer, which configures an essential portion of the light emitting device, into the ITO layer. This is explained in the patent specification as follows:

"The phosphorus-blocking layer having a band gap energy larger than that of the electrode contact layer shows a smaller absorption of light flux from the light emitting layer portion than the electrode contact layer shows. Its phosphorus content adjusted lower than that of the phosphorus-containing compound semiconductor layer located

opposite to the electrode contact layer makes phosphorus diffusion towards the ITO electrode layer side less likely to occur. Therefore by interposing the phosphorus-blocking layer, the phosphorus component derived from the phosphorus-containing compound semiconductor layer which composes the cushion layer can reach the ITO electrode layer only after passing through both of the phosphorus-blocking layer and the electrode contact layer. This is most successful in suppressing the phosphorus diffusion towards the ITO electrode layer to a large extent, and in raising the adhesion strength of the ITO electrode layer."

None of the cited patents by Ishikawa, Tanizawa and Watanabe described a concept of the phosphorus-blocking layer expected for this function.

Claim 42 was combined with Claim 45 and Claim 46. We believe amended Claim 42 should be granted a patent because Claim 46 has already been judged as allowable. Claim 42 was also combined with Claim 44 and Claim 47 to give new Claim 66. We also believe new Claim 66 should be granted a patent because Claim 47 has already been judged as allowable.

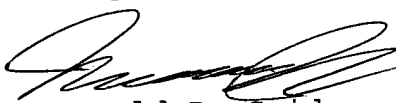
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Docket No.: **SUG-173-USAP**

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action in accordance thereof is requested. In the event there is any reason why the application cannot be allowed in this current condition, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems by Interview or Examiner's Amendment.

Respectfully submitted,



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